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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA,
BILLINGS DIVISION

NEIL DEERING, individually,)	
and on behalf of himself and all)	Case No. CV-10-63-BLG-RFC
others similarly situated,)	
)	
Plaintiff,)	DEFENDANTS' PARTIAL
)	MOTION TO DISMISS
v.)	COUNTS I AND II OF
)	PLAINTIFF'S COMPLAINT
)	
CENTURY TEL, INC., a Louisiana)	
corporation, CENTURYTEL)	
BROADBAND SERVICES, LLC, a)	
Louisiana corporation, and)	
CENTURYTEL SERVICE GROUP,)	
LLC, a Louisiana corporation,)	
)	
Defendants.)	
)	
)	

DEFENDANTS' PARTIAL MOTION TO DISMISS
COUNTS I AND II OF PLAINTIFF'S COMPLAINT

Defendants CenturyTel, Inc., CenturyTel Broadband Services, LLC, and CenturyTel Service Group, LLC (collectively, "Defendants or CenturyTel"),¹ hereby move for dismissal with prejudice of Counts I and II of Plaintiff's Complaint for failure to state claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6). Plaintiff's counsel was contacted and does not consent to the motion. This motion is supported by a Brief In Support of Defendants' Partial Motion to Dismiss Counts I and II of Plaintiff's Complaint.

WHEREFORE, for the foregoing reasons and those given by the Brief In Support of Defendants' Partial Motion to Dismiss Counts I and II of Plaintiff's Complaint, Defendants hereby move to dismiss Counts I and II of Plaintiff's Complaint with prejudice.

Dated: January 25, 2011

Respectfully submitted,

/s/ Alan L. Joscelyn

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¹ In Defendants' Answer, CenturyTel, Inc. denied that this Court has personal jurisdiction over it. CenturyTel, Inc. is merely a holding company and has no contacts in Montana. References to "CenturyTel" in this partial motion to dismiss should not be understood as admissions that CenturyTel, Inc. had any connection whatsoever with the conduct alleged in the Complaint and such references do not thereby waive CenturyTel, Inc.'s argument that this Court lacks personal jurisdiction over it.

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